

PHILLIP A. TALBERT
Acting United States Attorney
ADRIAN T. KINSELLA
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL GARCIA, ET AL,

Defendants.

CASE NO. 2:20-CR-00181-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

Date: December 7, 2021
Time: 9:30 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter had been set for status hearing on December 7, 2021.
2. By this stipulation, defendants now move to continue the status conference until February 8, 2022, and to exclude time between December 7, 2021, and February 8, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes over 50 gigabytes of evidence in electronic form, including multiple hours of covert recordings, pictures, investigative reports, and related documents. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for defendants desire additional time to consult with their clients, conduct

1 investigation and research related to the charges, to review and copy discovery for this matter, to
2 discuss potential resolutions with their clients, and to otherwise prepare for trial.

3 c) Additionally, Counsel for defendant Michael Garcia has represented that she is
4 soon retiring, and that one of her colleagues will be replacing her as counsel for this defendant.
5 This new defense attorney will need time to review the existing discovery and consult with his
6 new client.

7 d) Counsel believe that failure to grant the above-requested continuance would deny
8 them the reasonable time necessary for effective preparation, taking into account the exercise of
9 due diligence.

10 e) The government does not object to the continuance.

11 f) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of December 7, 2021 to February 8,
16 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at defendant's request on the basis
18 of the Court's finding that the ends of justice served by taking such action outweigh the best
19 interest of the public and the defendant in a speedy trial.

20 //

21
22 //

23
24 //

25
26 //

27
28 //

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 26, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: November 26, 2021

/s/ LEXI P. NEGIN
LEXI P. NEGIN
Counsel for Defendant
MICHAEL GARCIA

Dated: November 26, 2021

/s/ MICHAEL D. LONG
MICHAEL D. LONG
Counsel for Defendant
MICHAEL GARCIA

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 29th day of November, 2021.

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE